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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,692	07/19/2005	Andres Miescher	71829	1914

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EXAMINER	
FERGUSON SAMRETH, MARISSA LIANA	
ART UNIT	PAPER NUMBER
2854	
MAIL DATE	DELIVERY MODE
10/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/542,692	MIESCHER ET AL.	
	Examiner	Art Unit	
	MARISSA L. FERGUSON-SAMRETH	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-12 and 14-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-12 and 14-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heimlicher (US Patent 3,934,508) in view of Gertsch et al. (US Patent 5,142, 977).

Regarding claims 1, 3 and 11, Heimlicher teaches mating rollers (1,5,32), an engagement roller (7) for engaging and/or disengaging with or from the first mating roller and for engagement with the second mating roller (Abstract and Column 5, Lines 15-60), a basic unit (refer to figure on page 7) with which the roller (7) can be moved to or away from the first mating roller (1) in the circumferential direction of the additional mating rollers (5, 32 and refer to figure 10), a feed unit, the roller (7) being mounted on the feed unit (refer to figure on page 7 of the detailed action), feed unit being positionable in a bisecting line position (refer to figure on page 7 of the detailed action) with a rotational axis of

the roller mounted on a bisecting line that bisects an angle between the first mating cylinder and the second mating cylinder, the feed unit for generating engaging pressure with which, in the bisecting line position, the roller acts approximately uniformly on the first mating cylinder and the second mating cylinder such that a nip ratio between the first mating cylinder and said second mating cylinder is approximately equal (note: the limitation is functional language, therefore the basic unit in the prior art has the capability of performing the intended function), a basic unit connected to the roller via the feed unit (refer to figure on page 7 of the detailed action), the basic unit for guiding the roller together with the feed unit in the circumferential direction of the second mating roller, with the base unit the roller can be moved to or away from the first mating roller in the circumferential direction of the second mating roller whereby the roller may be maintained in contact with said second mating roller equal (note: the limitation is functional language, therefore the basic unit in the prior art has the capability of performing the intended function).

However, Heimlicher does not explicitly disclose a basic unit for engaging and/or disengaging a roller defining in parallel to a tangential direction to of a second mating roller. Gertsch et al. teaches a device to engage/disengage rollers (element 6 in Figure 4 and element 5b in Figure 7) in a tangential direction (Figure 4, Column 5, Lines 5-18 and Column 6, Lines 19-32, Figure 7).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Heimlicher

to replace the device thereof with a device that engages/disengages in circumferential and tangential direction as taught by Gertsch et al. for the purpose of providing constant contact pressures during engagement thereby maintaining the good print quality.

Regarding claims 2 and 12, Heimlicher wherein the basic unit has a pneumatic adjusting element (11, 11a).

Regarding claims 5 and 15, Heimlicher teaches a spring element (12) for generating the engaging pressure of the roller.

Regarding claims 6 and 16, Heimlicher teaches a setting element for setting the engaging pressure (Column 3, Lines 12-40 and Column 4, Lines 10-39).

Regarding claims 7 and 17, Heimlicher teaches wherein the roller (7) is mounted in a carriage (refer to figure on page 7).

Regarding claim 8, Heimlicher teaches a process for engaging and/or disengaging a roller of a printing press with or from a first mating roller, wherein the roller is engaged with a second mating roller and guiding the roller in the circumferential direction of the second mating roller in the state in which it is engaged with the second mating roller. However, Heimlicher does not explicitly disclose moving the roller in a direction tangential to an outer surface of a second mating roller.

Gertsch et al. teaches a device to engage/disengage rollers (element 6 in Figure 4 and element 5b in Figure 7) in a tangential direction (Figure 4, Column 5, Lines 5-18 and Column 6, Lines 19-32, Figure 7).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Heimlicher to replace the device thereof with a device that engages/disengages in circumferential and tangential direction as taught by Gertsch et al. for the purpose of providing constant contact pressures during engagement thereby maintaining the good print quality.

Regarding claim 9, Heimlicher teaches wherein the roller (7) is continuously in contact with a mating roller (5).

Regarding claim 10, Heimlicher teaches the claimed invention with the exception of wherein a nip, a nip ratio or the engaging pressure is set in the state in which the two mating rollers are engaged by said step of moving the roller in a direction tangential to an outer surface of the second mating roller.

Gertsch et al. teaches a device to engage/disengage rollers (element 6 in Figure 4 and element 5b in Figure 7) in a tangential direction (Figure 4, Column 5, Lines 5-18 and Column 6, Lines 19-32, Figure 7).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Heimlicher to replace the device thereof with a device that engages/disengages in circumferential and tangential direction as taught by Gertsch et al. for the

purpose of providing constant contact pressures during engagement thereby maintaining the good print quality.

Regarding claim 14, Heimlicher teaches a feed unit (refer to figure on page 7), with which an engaging pressure can be generated on at least one of the mating rollers (Abstract and Column 5, Lines 15-60).

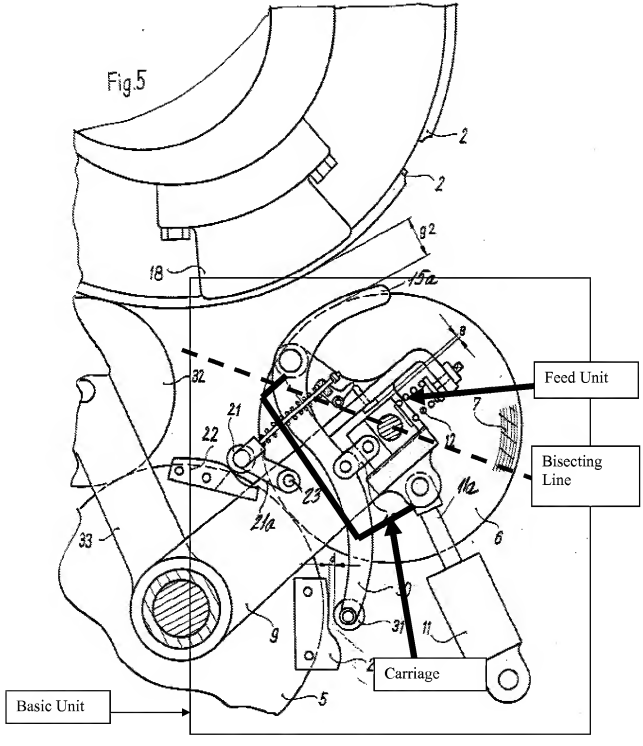
Fig.5
Feed Unit
Bisecting Line
Carriage
Basic Unit

3. Claims 8-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahn (US Patent 5,081,927) in view of Gertsch et al. (US Patent 5,142, 977).

Regarding claim 8, Jahn teaches guiding the roller (2) in the circumferential direction of the second mating roller (1) in the state in which the roller is engaged with the second mating roller. However, Jahn does not explicitly disclose moving the roller in a direction tangential to an outer surface of the second mating roller.

Gertsch et al. teaches a device to engage/disengage rollers (element 6 in Figure 4 and element 5b in Figure 7) in a tangential direction (Figure 4, Column 5, Lines 5-18 and Column 6, Lines 19-32, Figure 7).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Jahn to replace the device thereof with a device that engages/disengages in circumferential and tangential direction as taught by Gertsch et al. for the purpose of providing constant contact pressures during engagement thereby maintaining the good print quality.

Regarding claim 9, Jahn teaches wherein the roller (2) is continuously in contact with the second mating roller (element 1 and Figures 1, 4).

Regarding claim 10, Jahn teaches the claimed invention with the exception of wherein a nip, a nip ratio or the engaging pressure is set in the state

in which the two mating rollers are engaged by a step of moving the roller in a direction tangential to an outer surface of the second mating roller.

Gertsch et al. teaches a device to engage/disengage rollers (element 6 in Figure 4 and element 5b in Figure 7) in a tangential direction (Figure 4, Column 5, Lines 5-18 and Column 6, Lines 19-32, Figure 7).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Jahn to replace the device thereof with a device that engages/disengages in circumferential and tangential direction as taught by Gertsch et al. for the purpose of providing constant contact pressures during engagement thereby maintaining the good print quality.

Regarding claim 11, Jahn teaches a first mating roller (3), a second mating roller (1) having a circumferential surface defining a second mating roller tangential direction, an engagement roller (2) and for engagement with the second mating roller (figures 1 and 4), a basic unit (refer to figure on page 11 of the detailed action) with which the roller (2) can be moved to or away (Figure 5) from the first mating roller (3) in the circumferential direction of the second mating roller. However, Jahn does not explicitly disclose wherein the basic unit being adjustable in position for moving the engagement roller in a direction parallel to the second mating roller tangential direction.

Gertsch et al. teaches a device to engage/disengage rollers (element 6 in Figure 4 and element 5b in Figure 7) in a tangential direction (Figure 4, Column 5, Lines 5-18 and Column 6, Lines 19-32, Figure 7).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Jahn to replace the device thereof with a device that engages/disengages in circumferential and tangential direction as taught by Gertsch et al. for the purpose of providing constant contact pressures during engagement thereby maintaining the good print quality.

Regarding claim 12, Jahn teaches wherein the basic unit has a pneumatic adjusting element (14).

Regarding claim 14, Jahn teaches a feed unit (refer to figure on page 11 of the detailed action), with which an engaging pressure can be generated on at least one of the mating rollers.

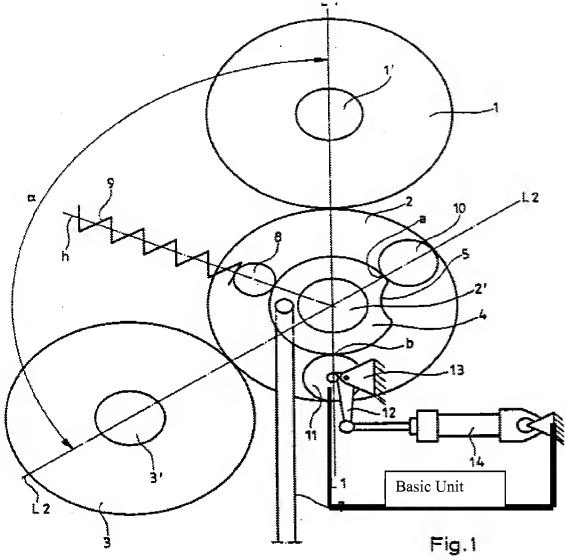

Fig. 1

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 5-12 and 14-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA L. FERGUSON-SAMRETH whose telephone number is (571)272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854

MARISSA FERGUSON-SAMRETH
Examiner
Art Unit 2854

MFS